

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the of the Petition to Revoke Probation
Against:

PRISCILLA VILLABROZA
3621 La Scala Court
North Las Vegas, NV 89032

Registered Nurse License No. 434760

Respondent

Case No. 2004-225

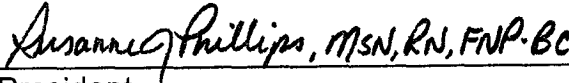
OAH No. 2004040028

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **March 20, 2009**.

IT IS SO ORDERED **March 20, 2009**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General

3 AMANDA DODDS
Legal Analyst

4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
12 Against:

13 PRISCILLA VILLABROZA
14 aka PRISCILLA B. PANGILINAN
15 3621 La Scala Court
16 North Las Vegas, NV 89032

17 Registered Nurse License No. 434760

Respondent.

Case No. 2004-225

OAH No. 2004040028

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Amanda Dodds, Legal Analyst.

25 2. Priscilla Villabroza (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 ///

28 ///

BOARD OF REGISTERED NURSING
P.O. Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Ruth Ann Terry, MPH, RN, Executive Officer



March 20, 2009

Priscilla Villabroza
3621 La Scala Court
North Las Vegas, NV 89032

Dear Ms. Villabroza:

Enclosed is a Decision and Order accepting the Voluntary Surrender of your California Registered Nursing License No. 522065, effective on **March 20, 2009**.

You are required to return your current license/certificate and original license issued January 1, 1988 to the Board. Enclosed is a self-addressed stamped envelope for your convenience. These documents must be returned immediately and any use of them would constitute a violation of law.

Failure to surrender upon demand your license/certificate is a violation of Section 119 (d) of the Business and Professions (B & P) Code. If the board has not received your license/certificate after 30 calendar days from the effective date of the decision, April 19, 2009, you will be subject to a citation and fine of up to \$2,500. Any use of the license/certificate is a violation of Section 2725 of the B & P Code, and subject to criminal prosecution and additional fines.

Enclosed is explanatory material on reinstatement and criteria for rehabilitation. Although your license is surrendered, you may take nursing continuing education courses if you do not use your surrendered RN license number to do so. Proof of continuing education may be beneficial as part of your rehabilitation evidence if you petition the Board for reinstatement in the future.

Sincerely,
BOARD OF REGISTERED NURSING

A handwritten signature in black ink that reads 'Anita Rodriguez'.

Anita Rodriguez
Probation Monitor

Encl. Copy of Board Decision
Stamped return envelope
BRN 925

cc: Amanda Dodds, Legal Analyst
Linda K. Schneider, Supervising Deputy Attorney General

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the of the Petition to Revoke Probation
Against:

PRISCILLA VILLABROZA
3621 La Scala Court
North Las Vegas, NV 89032

Registered Nurse License No. 434760

Respondent

Case No. 2004-225

OAH No. 2004040028

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **March 20, 2009**.

IT IS SO ORDERED **March 20, 2009**.

 **Suzanne Phillips, MSN, RN, FNP-BC**

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General

3 AMANDA DODDS
Legal Analyst

4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
Against:

13 PRISCILLA VILLABROZA
14 aka PRISCILLA B. PANGILINAN
3621 La Scala Court
North Las Vegas, NV 89032

15 Registered Nurse License No. 434760

16 Respondent.

Case No. 2004-225

OAH No. 2004040028

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Amanda Dodds, Legal Analyst.

25 2. Priscilla Villabroza (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 ///

28 ///

3. On or about January 1, 1988, the Board of Registered Nursing issued Registered Nurse License No. 434760 to Priscilla B. Pangilinan, also known as Priscilla Baguisi Pangilinan Villabroza (Respondent). The registered nurse license was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2004-225 and will expire on July 31, 2010, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 2004-225 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on December 3, 2008. A copy of the Petition to Revoke Probation No. 2004-225 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 2004-225. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 2004-225, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 434760 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 434760, issued to Respondent Priscilla Villabroza, also known as Priscilla B. Pangilinan, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

1 2. Respondent shall lose all rights and privileges as a registered nurse in
2 California as of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board both her wall license
4 certificate and pocket license on or before the effective date of the Decision and Order.

5 4. If Respondent ever files an application for licensure or a petition for
6 reinstatement in the State of California, the Board shall treat it as a petition for reinstatement.
7 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
8 revoked license in effect at the time the petition is filed, and all of the charges and allegations
9 contained in Petition to Revoke Probation No. 2004-225 shall be deemed to be true, correct and
10 admitted by Respondent when the Board determines whether to grant or deny the petition.

11 5. Should Respondent ever apply or reapply for a new license or certification,
12 or petition for reinstatement of a license, by any other health care licensing agency in the State of
13 California, all of the charges and allegations contained in Petition to Revoke Probation,
14 No. 2004-225 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
15 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

16 6. Respondent shall not apply for licensure or petition for reinstatement for
17 three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

18 7. Respondent shall pay the Board its costs of investigation and enforcement
19 in the amount of \$4,080.00 prior to issuance of a new or reinstated license.

20 ///

21 ///

22 ///

23

24

25

26

27


28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1-5-09


PRISCILLA VILLABROZA
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 1/12/2009

EDMUND G. BROWN JR., Attorney General
of the State of California

LINDA K. SCHNEIDER
Supervising Deputy Attorney General


AMANDA DODDS
Legal Analyst

Attorneys for Complainant

Exhibit A
Petition to Revoke Probation No. 2004-225

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
3 AMANDA DODDS
Legal Analyst
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
Against:

13 PRISCILLA VILLABROZA
824 Lilac Drive
14 Placentia, CA 92870

15 Registered Nurse License No. 434760

16 Respondent.

Case No. 2004-225

OAH No. 2004040028

**PETITION TO REVOKE
PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing, Department of Consumer Affairs.

23 2. On or about January 1, 1988, the Board of Registered Nursing issued
24 Registered Nurse License Number 434760 to Priscilla Villabroza (Respondent). The Registered
25 Nurse License was in effect at all times relevant to the charges brought herein and will expire on
26 July 31, 2010, unless renewed.

27 ///

28 ///

1

2

6

10

15

16

23

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Comply With the Board's Probation Program)**

3 8. At all times after the effective date of Respondent's probation, Condition

4 3 stated:

5 Petitioner shall fully comply with the conditions of the Probation Program
6 established by the Board and shall cooperate with representatives of the Board in
7 its monitoring and investigation of Respondent's compliance with the Board's
8 Probation Program. Within 15 days, Respondent shall inform the Board, in
9 writing, of any address change and, at all times, shall maintain an active, current
10 license status with the Board, including during any period of suspension.

11 9. Respondent's probation is subject to revocation because she failed to
12 comply with Probation Condition 3, referenced above, as detailed in paragraphs 10-15, below.

13 **SECOND CAUSE TO REVOKE PROBATION**

14 **(Employment Approval and Reporting Requirements)**

15 10. At all times after the effective date of Respondent's probation, Condition

16 8 stated:

17 Respondent shall obtain prior approval from the Board before
18 commencing or continuing practice as a registered nurse, including but not
19 limited to paid employment volunteer work. Upon the Board's request,
20 Respondent shall cause all performance evaluations and other employment related
21 reports as a registered nurse to be submitted to the Board.

22 Prior to commencement of any nursing or other health care related
23 employment, Respondent shall provide a copy of this Decision to her employer
24 and immediate supervisors.

25 Within seventy-two (72) hours after she obtains any nursing or other
26 health care related employment, Respondent shall notify the Board in writing .
27 Within seventy-two (72) hours after she is terminated or separated from any
28 nursing or other health care related employment, Respondent shall notify the
29 Board in writing and shall include a full explanation of the circumstances
30 surrounding the termination or separation.

31 11. Respondent's probation is subject to revocation because she failed to
32 comply with Probation Condition 8, referenced above in that Respondent did not report to the
33 Board in writing when she assumed an ownership interest in Medicare Plus Home Health
34 Provider, Inc.. In Respondent's quarterly reports, she fraudulently listed her employment status
35 as "not employed" or "N/A" when, in fact, she was acting in the capacity as an administrator for

1 Medicare Plus Home Health Provider, Inc., as well as working for Nevada Home Health in Las
2 Vegas, Nevada. Respondent did not have permission from the Board prior to commencement of
3 her employment with Medicare Plus Home Health Provider, Inc. Further, Respondent failed to
4 submit performance evaluations and other related reports during her employment with Medicare
5 Plus Home Health Provider, Inc.

6 THIRD CAUSE TO REVOKE PROBATION

7 (Supervision)

8 12. At all times after the effective date of Respondent's probation, Condition
9 9 stated:

10 Respondent shall obtain prior approval from the Board regarding her level
11 of supervision and/or collaboration before commencing or continuing any
12 employment as a registered nurse or education and training that includes patient
13 care.

14 Respondent shall practice only under the direct supervision of a registered
15 nurse in good standing (no current discipline) with the Board, unless alternative
16 methods of supervision and/or collaboration (e.g., with an approved practice
17 nurse or physician) are approved.

18 Respondent's level of supervision and/or collaboration may include, but is
19 not limited to the following:

20 (a) Maximum - The individual providing supervision and/or collaboration
21 is present in the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration
23 is in the patient care unit or in any other work setting at least half the hours
24 Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration
26 has person-to-person communication with Respondent at least twice during each
27 shift worked.

28 (d) Home Health Care - If respondent is approved to work in the home
health care setting, the individual providing supervision and/or collaboration shall
have person-to-person communication with Respondent as required by the Board
each work day. Respondent shall maintain telephone or other telecommunication
contact with the individual providing supervision and/or collaboration as
required by the Board during each work day. The individual providing
supervision and/or collaboration shall conduct, as required by the Board, periodic,
on-site visits to patients' homes visited by the respondent with or without
respondent present.

13. Respondent's probation is subject to revocation because she failed to
comply with Probation Condition 9 in that Respondent failed to obtain prior approval from the

Board regarding her level of supervision, and was not under the direct supervision of a Board-approved registered nurse while employed by Medcare Plus Home Health Provider, Inc.

FOURTH CAUSE TO REVOKE PROBATION

(Employment Limitations)

14. At all times after the effective date of Respondent's probation, Condition 10 stated:

Respondent shall not have an ownership interest in a nurse's registry. She shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not have an ownership interest in a licensed home health agency. She shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home health visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. In addition, the Board may restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 10, referenced above. During the period of probation, Respondent had an ownership interest in Medcare Plus Home Health Provider, Inc. In a letter dated April 26, 2006, Probation Monitor Anita Rodriguez warned Respondent that she was not approved to work for Medcare Plus Home Health Providers, Inc. in any position that required an R.N. license, or required the title "R.N." Further, Respondent was told she could not have an ownership interest in Medcare Plus Home Health Providers, Inc. Respondent directly violated Probation Condition 10 when she continued to work for Medcare Plus after the Board prohibited her from doing so in writing.

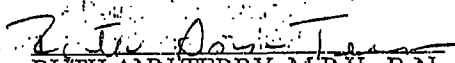
1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2004-225, and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 434760 issued to Priscilla Villabroza;

7 2. Taking such other and further action as deemed necessary and proper.
8

9 DATED: 11/24/08

10
11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
18
19
20
21
22
23
24
25
26
27
28

SD2008802693
80304558.wpd

Exhibit A
Decision and Order
Board of Registered Nursing Case No. 2004-225

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PRISCILLA BAGUISI PANGILINAN
VILLABROZA
824 Lilac Drive
Placentia, CA 92870

Registered Nurse License No. 434760

Respondent.

Case No. 2004-225

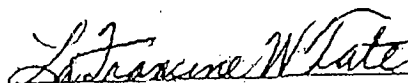
OAH No. L2004040028

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on December 12, 2005.

IT IS SO ORDERED November 10, 2005.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PRISCILLA BAGUISI PANGILINAN
VILLABROZA

824 Lilac Drive
Placentia, California 92870

Registered Nurse License No. 434760

Respondent.

File No. 2004-225

OAH No. L2004040028

PROPOSED DECISION

Administrative Law Judge Vallera J. Johnson, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on August 25, 2005.

James M. Ledakis, Deputy Attorney General, represented Complainant, Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing, Department of Consumer Affairs.

Arthur J. LaCilento, Esq., represented Respondent, who was present during the hearing.

The matter was submitted on August 25, 2005.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N. (Complainant), filed Accusation, Case No. 2004-225, dated February 25, 2004, against Priscilla Baguisi Pangilinan Villabroza (Respondent) in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs (Board).

Respondent filed a Notice of Defense, dated March 22, 2004, requesting a hearing in this matter.

2. On December 30, 1988, the Board issued registered nurse license number 434760 to Respondent. At all times relevant herein, said license was in full force and effect and will expire on July 31, 2006, unless renewed.

3. Since 1996, Respondent is and has been the owner, operator and administrator of Excel Plus Home Health Services (Excel Plus), a home health agency that provides shift nurses. Respondent is and has been the owner, operator and administrator of the Unicare Home Health Professionals (Unicare), a nursing registry, since 1994. She employs approximately 30 nurses.

4. In 1999, on behalf of Unicare, Respondent had a contractual relationship with Home Care Network, Inc. (Home Care Network) to provide nursing services.

Pursuant to the contract, commencing September 27, 1999, Respondent was retained to provide nursing services for patient D.P. while he was in a board and care facility.

On September 28 and 29, 1999, Respondent completed her assessment and evaluation of patient D.P., completed nursing progress notes that documented his condition, signed her name and forged patient D.P.'s signature.

On September 29, 1999, patient D.P. was taken by ambulance to Good Samaritan Hospital where he remained until his discharge on October 4, 1999.

Approximately one month thereafter, Susan Tuason (Tuason), Home Care Network's Director of Patient Care Services, contacted Unicare and requested nursing progress notes from Respondent. Utilizing data obtained on September 28 and 29, 1999, for September 30 and October 1, 1999, Respondent "reconstructed" nursing progress notes that included her analysis of patient D.P.'s condition, his vital signs and blood pressure; she signed her name and forged his signature, without performing a physical examination of patient D.P. There is no evidence that Respondent had any contact whatsoever with patient D.P. on September 30 and/or October 1, 1999.

Given the foregoing, Respondent falsified two home health care visits to patient D.P. by providing documentation to Home Care Network stating that she made home care visits to the patient on September 30 and October 1, 1999; in fact, patient D.P. was hospitalized on those dates, and she did not make the home care visits.

Based on the information provided by Respondent, Home Care Network paid Unicare \$45.00 for each day or a total of \$90.00, for September 30 and October 1, 1999.

5. According to Respondent, she made a mistake and learned of the "error" when she received a letter from Home Care Network. At that time she retained an attorney.

6. By letter, dated April 25, 2000, Home Care Network notified Respondent of the termination of its contract with Unicare, based on the false medical records that Respondent provided for September 30 and October 1, 1999 as well as her admission that she

forged patient D.P.'s signature; as a result, Home Care Network concluded that the visits were falsified, notified Medicare, reimbursed the Medicare program for payment that they received and requested that Unicare reimburse the payment. In addition, in the same letter, Home Care Network notified Respondent that it intended to investigate every visit made by a Unicare nurse, to report any questionable or spurious visits and to reimburse Medicare for any such visits.

7. On December 26, 2000, Home Care Network filed an action in Small Claims Court seeking to recover the money (\$5,140.00) paid to Unicare for nursing services allegedly provided between September and December 1999 based on a determination that the signatures of the patients did not appear to match the signatures on file. On March 5, 2001, the Court entered judgment on behalf of Home Care Network in the amount of \$5,279.28 against Respondent/Unicare. Respondent/Unicare has not paid this judgment.

8. Born in the Philippines, Respondent received her degree as a registered nurse from Santa Teresita College, Inc. on March 7, 1967. She has been licensed as a nurse for 38 years and in California since 1988. Currently she is licensed in California and Nevada and has been licensed in Texas, Illinois, Michigan and the Philippines. There is no evidence that prior disciplinary action has been taken against her.

Respondent admits that she engaged in the misconduct, that she made a "mistake." There is no doubt that Respondent is remorseful. She testified that now she understands that her conduct was wrong, she accepts responsibility for her misconduct and will not engage in such acts in the future.

9. There is no dispute that Respondent's misconduct was egregious. She intentionally created inaccurate, false medical records. Though there is no evidence that patient D.P. suffered harm as a consequence of Respondent's fraudulent acts, other medical personnel reasonably could have relied on this information to provide medical treatment for the patient.

Respondent is an experienced nurse; she testified that she accepts responsibility for her misconduct, that she understands that her conduct was wrong and that her primary responsibility is patient care and, in the future, that she will make her best effort to comply with the Nursing Practice Act. The evidence in the record, at minimum, calls into question Respondent's testimony regarding the foregoing. Her demeanor during the hearing was most poignant. During her testimony on cross-examination, there were long delays between questions and answers; she spoke in barely audible tones and attempted to avoid responding to questions related to her misconduct. Until the hearing, she has not admitted her wrongdoing. Home Care Network has attempted to obtain reimbursement for costs it incurred as a result of Respondent's misconduct for over six years, without success.

10. Pursuant to Business and Professions Code section 125.3, Complainant seeks recovery of the costs of investigation and enforcement of the allegations set forth in the Accusation in the amount of \$17,331.75. In support of this request, Complainant submitted

"Certification of Costs of Investigation and Prosecution" and the Declaration of Deputy Attorney General James M. Ledakis. Respondent objects.

TO: JRS 31 MAR 2002

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code sections 2761, subdivision (a) and 810, subdivision (a)(2), cause exists to discipline Respondent's license on grounds of unprofessional conduct, by reason of Findings 2, 3, 4, 5, 6, 7 and 8.

2. Given the facts (Findings 2, 3, 4, 5, 6, 7, 8, 9 and 10), the violation (Legal Conclusion 1), and the evidence of explanation, mitigation and rehabilitation (Finding 9 and 10), the question is discipline.

Administrative proceedings to discipline a professional license are intended to protect the public, not punish the licensee. *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763.

The question is whether the public interest can be sufficiently protected if Respondent is allowed to retain her license. Respondent engaged in intentional, fraudulent misconduct that could have resulted in serious harm to her patient. Her misconduct was egregious. She did not establish that she appreciates the wrongfulness of her actions or accepts responsibility for her misconduct. Nevertheless, her career as a nurse for 38 years, without prior discipline, cannot be disregarded. It has been almost six years since she engaged in the acts that constitute the basis for discipline. Considering the foregoing, it would not be contrary to the public interest to allow Respondent to practice as a registered nurse with a probationary license with appropriate supervision.

3. All legal and factual arguments not addressed herein are found to be unsupported by the evidence, without merit and, therefore, rejected.

4. Complainant seeks recovery of the reasonable costs of investigation and enforcement in the amount of \$17,331.75. In determining reasonableness, Business and Professions Code section 125.3, California Code of Regulations, title 1, section 1042 and the factors set forth in *Robert Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 have been considered.

Complainant established that Respondent committed the violations alleged in the Accusation (Findings 3, 4, 5, 6, 7 and 8 and Legal Conclusion 1).

Respondent objects, arguing that the costs requested by Complainant are "exorbitant," given the issues, discovery and amount of time necessary for trial; had Complainant settled, the costs incurred would have been significantly less. Respondent requests that, if costs are awarded, she be allowed to make scheduled payments.

Complainant asserts that this case required significant investigation and legal preparation; the investigator was required to review patient D.P.'s medical records at the nursing home, Good Samaritan Hospital, Unicare and Home Health Care Network; in addition, the investigator was required to interview numerous witnesses; the Deputy Attorney General prepared for trial on two to three occasions, only to have the matter continued because of Respondent's attorney's schedule. Respondent concedes that the matter was continued because of her attorney's schedule but questions whether she should be required to pay costs associated with his scheduling. It is noted that the agency's costs do not include legal costs for fiscal year 2005 in the amount of \$2,190.00.

The agency's documentation of costs does not comply with the requirements of the regulation; Respondent did not object. Complainant's documentation in conjunction with her representation regarding tasks performed by the investigator is sufficient to determine the reasonableness of Complainant's costs. Respondent's objections are based on the factors set forth in *Zuckerman*. These factors include: whether the licensee has been successful at hearing in getting the charges dismissed or reduced, the licensee's subjective good faith belief in the merits of her position, whether the licensee has raised a colorable challenge to the proposed discipline, a determination regarding the financial ability of the licensee to pay and whether the investigation was appropriate to the alleged misconduct. Complainant's investigation was reasonable. The issue in this case regarding Respondent's misconduct was not in dispute but the appropriate discipline to be imposed. Considering the *Zuckerman* factors and the evidence in the record, neither party's position regarding discipline is unreasonable. The reasonable costs of investigation and enforcement are \$15,000.00.

ORDER

Registered Nurse License Number 434760 issued to Respondent Priscilla Baguisi Pangilinan Villabroza is revoked. Revocation is stayed, and Respondent Priscilla Banguisi Pangilinan Villabroza is placed on probation for four (4) years on the following terms and conditions.

1. Respondent is suspended from the practice of registered nursing for 90 days, beginning the effective date of this Decision.

2. Respondent shall obey all federal, state and local laws. Within 72 hours of occurrence, Respondent shall report, in writing, a full and detailed account of any and all violations of law to the Board. To permit monitoring of compliance with this condition, within 45 days of the effective date of the Decision, unless previously submitted as part of her license application process, Respondent shall submit completed fingerprint forms and fingerprint fees.

3. Respondent shall fully comply with the conditions of the Probation Program established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Within 15 days, Respondent shall inform the Board, in writing, of any address

change and, at all times, shall maintain an active, current license status with the Board, including during any period of suspension.

4. During the period of probation, Respondent shall appear in person at interviews/meetings as directed by the Board or its designed representatives.

5. Periods of residency or practice as a registered nurse outside of the State of California shall not apply toward a reduction of this probation time period. If Respondent resides outside the State of California, her probation time period is tolled. Within 15 days of any change of residency outside of the State of California and within 30 days prior to re-establishing residency or returning to practice in the State of California, Respondent must provide written notice to the Board.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse or practical nurse. She shall provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for and obtains a new nursing license during the probationary period.

6. During the period of probation, Respondent shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with the conditions of the Board's Probation Program. Respondent shall execute all release of information forms required by the Board or its representatives immediately.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she holds a license as a registered nurse and shall provide documentary evidence of the foregoing to the Board no later than 60 days of the effective date of this Decision.

7. During the period of probation, Respondent shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for six consecutive months or as otherwise determined by the Board.

For purposes of compliance with this provision, when approved by the Board, "engage in the practice of registered nursing" may include volunteer work as a registered nurse or work in any non-direct patient care position that requires a license as a registered nurse.

During the period of probation, if Respondent has not complied with this condition and she presents sufficient documentation of her good faith efforts to comply with this condition, and, if no other conditions have been violated, in its discretion, the Board may grant an extension of Respondent's probationary period up to one year. During the one year extension, all original conditions of probation shall apply.

8. Respondent shall obtain prior approval from the Board before commencing or continuing practice as a registered nurse, including but not limited to paid employment or volunteer work. Upon the Board's request, Respondent shall cause all performance evaluations and other employment related reports as a registered nurse to be submitted to the Board.

Prior to commencement of any nursing or other health care related employment, Respondent shall provide a copy of this Decision to her employer and immediate supervisors.

Within 72 hours after she obtains any nursing or other health care related employment, Respondent shall notify the Board in writing. Within 72 hours after she is terminated or separated from any nursing or other health care related employment, Respondent shall notify the Board in writing and shall include a full explanation of the circumstances surrounding the termination or separation.

9. Respondent shall obtain prior approval from the Board regarding her level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board, unless alternative methods of supervision and/or collaboration (e.g., with an approved practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum – The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient unit or in any other work setting at least half the hours Respondent works.
- (c) Minimum – The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) Home Health Care – If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

10. Respondent shall not have an ownership interest in a nurse's registry. She shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse or for an in-house nursing pool.

Respondent shall not have an ownership interest in a licensed home health agency. She shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. In addition the Board may restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent works or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

11. At her expense, Respondent shall enroll in and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary period.

Respondent shall obtain prior approval of the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

12. Respondent shall pay the Board its costs associated with investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$15,000.00. She shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and she has presented sufficient documentation of her good faith efforts to comply with this condition, and, if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probationary period up to one year in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

13. During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion regarding whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

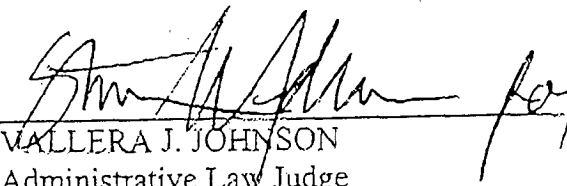
- (a) Two years of reinstatement of a license that was surrendered for any reason other than a mental or physical examination; or
- (b) One year for a license surrendered for a mental or physical illness.

14. If Respondent violates the conditions of her probation, after giving her notice and an opportunity to be heard, the Board may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

During the period of probation, if an Accusation or Petition to Revoke Probation has been filed against Respondent's license or the Attorney General has been requested to prepare an Accusation or Petition to Revoke Probation, the probationary period shall automatically be extended and shall not expire until the Accusation or Petition to Revoke Probation has been acted upon by the Board.

Upon successful completion of the terms and conditions of probation, Respondent's license shall be fully restored.

DATED: 9/23/08


VALLERA J. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

BILL LOCKYER, Attorney General
of the State of California
JAMES M. LEDAKIS, State Bar No. 132645
Supervising Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2105
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**PRISCILLA BAGUISI PANGILINAN
VILLABROZA**

824 Lilac Drive
Placentia, California 92870

Registered Nurse License No. 434760

Respondent.

Case No. 2004 - 225

A C C U S A T I O N

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about December 30, 1988, the Board issued Registered Nurse License Number 434760 to Priscilla B. Villabroza, with a subsequent name change to Priscilla Baguisi Pangilinan Villabroza ("Respondent"). The registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2004, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

6. Code section 810 states, in pertinent part:

(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

(2) Knowingly prepare, make, or subscribe any writing with the intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE(False or Fraudulent Writing)


8. Respondent has subjected her registered nurse license to discipline under Code sections 2761, subdivision (a) and/or 810, subdivision (a)(2), on the grounds of unprofessional conduct. On or about September 30, 1999, and October 1, 1999, while licensed as a registered nurse, Respondent was employed by Home Care Network, Inc., and providing home health care visits to patient D.P. Respondent falsified two home health care visits to D.P. by providing documentation to Home Care Network, Inc., stating she made the visits to the patient on September 30, 1999, and October 1, 1999, when, in fact, patient D.P. was hospitalized on those dates.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 434760 issued to Respondent;
2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/25/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant